

***Repealed 1/1/2017***

**65A-8-205 Agreements for coverage by the Wildland Fire Suppression Fund -- Eligible lands -- County and state obligations -- Termination -- Revocation.**

- (1)
  - (a) A county legislative body may enter annually into a written agreement with the state forester to provide for payment from the Wildland Fire Suppression Fund of fire suppression costs incurred by the county in excess of the county's fire suppression budget.
  - (b) Fire suppression costs on forest, range, and watershed lands within the unincorporated area of a county, except federal or state lands, are eligible for coverage by the Wildland Fire Suppression Fund.
- (2)
  - (a) An agreement for payment of fire suppression costs from the Wildland Fire Suppression Fund shall provide that the county shall:
    - (i) except as provided by Subsection (2)(b), pay into the fund an amount equal to:
      - (A) .01 times the number of acres of privately- or county-owned land in the unincorporated area of the county; and
      - (B) .0001151 times the taxable value of real property in the unincorporated area of the county; and
    - (ii) budget an amount for fire suppression costs determined to be normal by the state forester in accordance with the formula specified by rule.
  - (b) A county is not required to pay for an acre or real property described in Subsection (2)(a)(i) if the acre or real property:
    - (i) is subject to concentrated residential, commercial, or industrial development;
    - (ii) would not be exposed to wildland fire; and
    - (iii) would not expose any wildland to fire spreading from it.
- (3)
  - (a) Any county that elects to initiate participation in the fund, or reestablish participation in the fund after participation was terminated, shall make an equity payment, in addition to the assessment provided in Subsection (2)(a)(i).
  - (b) The equity payment shall represent what the county's equity in the fund would be if the county had made assessments into the fund for each of the previous three years.
  - (c) The equity payment shall be determined by the state forester in accordance with division rules.
- (4) The agreement shall provide that:
  - (a) the state shall pay into the fund an amount equal to the county's payment, including any equity payment required under Subsection (3); and
  - (b) if money in the fund is insufficient to pay for all eligible fire suppression costs, the state shall pay for 1/2 of the county's remaining costs.
- (5) The agreement shall provide for revocation of the agreement for failure to pay assessments when due.
- (6) Any county that elects to withdraw from participation in the fund, or whose participation in the fund is revoked due to failure to pay its assessments when due, shall forfeit any right to any previously paid assessments by the county.